

## **REMARKS**

### **Introduction**

The present application includes claims 1-57. In order to expedite the issuance of a patent from the present application, with this amendment Applicants have cancelled claims 11 and 35-57 without prejudice or disclaimer of subject matter. As such claims 1-10 and 12-34 are currently pending in the application.

### **Allowed Claims**

Applicants acknowledge with appreciation that claims 12-17 have been allowed by the Examiner.

### **Restriction Requirement**

Due to the Examiner's constructive election of claims 1-41, Applicants have cancelled claims 42-57 without prejudice or disclaimer of subject matter and without acquiescing with the Examiner's restriction.

### **Amendments to Specification and Drawings**

The Examiner objected to the amendments to the specification and drawings made in the response filed by the Applicants on January 2, 2004 ("Response to First Action") as containing new matter. Applicants respectfully submit that the amendment made to the specification and drawings in the Response to First Action are supported by the current disclosure either explicitly, inherently, or by incorporation of at least one of Application Serial No. 08/963,396 and Application Serial No. 08/960,425; both of which are incorporated by reference in the current specification.

However, in order to expedite the issuance of the patent from the present application, with this response Applicants have cancelled Figs. 11-13 which were added in the Response to the First Action, cancelled the paragraphs added after the paragraph beginning on page 6, line 13 which were added in the Response to the First Action, cancelled the paragraphs which were added in the Response to the First Action after the paragraph beginning on page 9, line 13, and amended the paragraph beginning on page 9, line 13 such that it reads as it did prior to the amendments presented in the Response to the First Action. As such, Applicants respectfully request the Examiner to withdraw the objections to the specification and the drawings.

### **Claim Rejections under 35 U.S.C. § 103**

Claims 1-6, 9-10, 18-34 and 38-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,353,413 to White et al. (hereinafter “White<sup>1</sup>”) in view of U.S. Patent No. 4,275,385 to White (hereinafter “White<sup>2</sup>”). The rejected claims include independent claims 1, 23, 27, 31 from which the remaining claims depend. With this amendment Applicants have cancelled claims 38-41 without prejudice or disclaimer of subject matter.

#### **Claim 1**

White<sup>1</sup>, alone or in combination with White<sup>2</sup>, does not disclose, teach or suggest an integrated device as recited in amended independent claim 1 comprising, “a portable housing; an internal controller ... an infrared transmitter coupled to the controller, ... an input device coupled to the housing, an output device coupled to the housing, a transceiver coupled to the housing to send and receive information over a wireless communication link to a hospital data system, wherein the integrated device is configured to accept patient identification information from the input device, to send the patient identification information to the hospital data system, to receive patient data from the hospital data system based on the patient identification information, and to communicate the patient data with the output device; and a voice recording device coupled to the controller.”

For at least these reasons, Applicants submit that the integrated device as recited in amended independent claim 1 is patentable over White<sup>1</sup>, alone or in combination with White<sup>2</sup>. Accordingly, Applicants submit that independent claim 1 is in condition for allowance.

Claims 2-6, 9, 10, and 18-22 depend from claim 1 and are patentable over White<sup>1</sup>, alone or in combination with White<sup>2</sup>, at least for the reasons given above in connection with claim 1 and for the further limitations of claims 2-6, 9, 10, and 18-22. Accordingly, Applicants submit that claims 2-6, 9, 10, and 18-22 are in condition for allowance.

#### **Claim 23**

White<sup>1</sup>, alone or in combination with White<sup>2</sup>, does not disclose, teach or suggest an integrated device as recited in amended independent claim 23 comprising, “a

portable housing; an internal controller ... an infrared transmitter coupled to the controller, ... an input device coupled to the housing, an output device coupled to the housing, a transceiver coupled to the housing to send and receive information over a wireless communication link to a hospital data system, wherein the integrated device is configured to accept patient identification information from the input device, to send the patient identification information to the hospital data system, to receive patient data from the hospital data system based on the patient identification information, and to communicate the patient data with the output device; and a cellular telephone transceiver coupled to the controller.”

For at least these reasons, Applicants submit that the integrated device as recited in amended independent claim 23 is patentable over White<sup>1</sup>, alone or in combination with White<sup>2</sup>. Accordingly, Applicants submit that independent claim 23 is in condition for allowance.

Claims 24-26 depend from claim 23 and are patentable over White<sup>1</sup>, alone or in combination with White<sup>2</sup>, at least for the reasons given above in connection with claim 23 and for the further limitations of claims 24-26. Accordingly, Applicants submit that claims 24-26 are in condition for allowance.

#### Claim 27

White<sup>1</sup>, alone or in combination with White<sup>2</sup>, does not disclose, teach or suggest an integrated device as recited in amended independent claim 27 comprising, “a portable housing; an internal controller ... an infrared transmitter ... an input device coupled to the housing, an output device coupled to the housing, a transceiver coupled to the housing to send and receive information over a wireless communication link to a hospital data system, wherein the integrated device is configured to accept patient identification information from the input device, to send the patient identification information to the hospital data system, to receive patient data from the hospital data system based on the patient identification information, and to communicate the patient data with the output device; and a radio transceiver for two-way communication coupled to the controller.”

For at least these reasons, Applicants submit that the integrated device as recited in amended independent claim 27 is patentable over White<sup>1</sup>, alone or in combination with White<sup>2</sup>. Accordingly, Applicants submit that independent claim 27 is in condition for allowance.

Claims 28-30 depend from claim 27 and are patentable over White<sup>1</sup>, alone or in combination with White<sup>2</sup>, at least for the reasons given above in connection with claim 27

and for the further limitations of claims 28-30. Accordingly, Applicants submit that claims 28-30 are in condition for allowance.

*Claim 31*

White<sup>1</sup>, alone or in combination with White<sup>2</sup>, does not disclose, teach or suggest an integrated device as recited in amended independent claim 31 comprising, “a portable housing; an internal controller ...a paging device ... an input device coupled to the housing, an output device coupled to the housing, a transceiver coupled to the housing to send and receive information over a wireless communication link to a hospital data system, wherein the integrated device is configured to accept patient identification information from the input device, to send the patient identification information to the hospital data system, to receive patient data from the hospital data system based on the patient identification information, and to communicate the patient data with the output device; and an infrared transmitter ....”

For at least these reasons, Applicants submit that the integrated device as recited in amended independent claim 31 is patentable over White<sup>1</sup>, alone or in combination with White<sup>2</sup>. Accordingly, Applicants submit that independent claim 31 is in condition for allowance.

Claims 32-34 depend from claim 31 and are patentable over White<sup>1</sup>, alone or in combination with White<sup>2</sup>, at least for the reasons given above in connection with claim 31 and for the further limitations of claims 32-34. Accordingly, Applicants submit that claims 32-34 are in condition for allowance.

*Claim 11*

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over White<sup>1</sup>. With this amendment, Applicants have cancelled claim 11 without prejudice or disclaimer of subject matter.

*Claim 35*

Claims 35-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,226,090 to Kimura (hereinafter “Kimura”) in view of U.S. Patent No. 5,970,457 to Brant et al. (hereinafter “Brant”). With this amendment, Applicants have cancelled claims 35-37 without prejudice or disclaimer of subject matter.

**Final Remarks**

Applicants submit that claims 1-10 and 18-34 are in condition for allowance along with previously allowed claims 12-17. Such allowance is respectfully requested.

If necessary, Applicants request that this Amendment be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees for filing this Amendment be charged to the account of Bose McKinney & Evans LLP, Deposit Account Number 02-3223.

Respectfully submitted,

BOSE McKINNEY & EVANS

A handwritten signature in black ink, appearing to read 'William S. Meyers', is written over a horizontal line.

William S. Meyers

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